

CIVIL RULES

Current with amendments received through 1/15/2005

INTRODUCTION TO THE CIVIL RULES

In 1990, Congress passed the Civil Justice Reform Act directing each judicial district to develop means to reduce costs and delay in civil cases. In keeping with this mandate, the judges for this district adopted a Civil Justice Expense and Delay Reduction Plan in July 1993. The Plan has the product of a thorough study of the causes of excessive costs and delay in civil litigation. The study reported a consensus among attorneys that the leading causes of excessive costs in this district related to discovery and the failure to individualize case management.

The judges of this district are committed to assisting the bar and litigants to reduce costs in civil cases. It is the obligation of all counsel, as officers of the court, to work towards the prompt completion of each case and to minimize the costs of discovery. The local rules provide the judges and attorneys with basic tools for the management of civil cases, including discovery. Attorneys and litigants are urged to use these tools creatively and cooperatively to manage civil cases on a cost-effective basis and to develop a cost-effective case management plan in each case.

While no list is exhaustive, attorneys and litigants should consider the following means for reducing costs: (a) limiting discovery and phasing discovery and motions to bring on for early resolution potentially dispositive issues; (b) the availability of judges to resolve discovery disputes by telephone or informal conference; (c) scheduling discovery or case management conferences with the judge assigned to the case as necessary; (d) the use of Magistrate Judges to manage discovery or for settlement conferences; (e) early referral to mediation through Local Rule 39.1 or other alternative dispute resolution mechanism; (f) the use of an abbreviated pretrial order; and (g) consenting to the assignment of the case to a United States Magistrate Judge for the conduct of all proceedings pursuant to 28 U.S.C. § 636(c). The judges will support the use of these tools and, if necessary, impose them, when appropriate and helpful to reduce costs or more effectively manage and resolve civil cases.

Along with the cost of civil litigation, the judges of this district are very concerned about professionalism among attorneys, especially in the conduct of discovery. The judges of this district expect a high degree of professionalism from the lawyers practicing before them. The orders issued by judges of this district at the outset of a case to govern conduct and scheduling of written discovery and depositions express those expectations. There should be no difference between the professional conduct of counsel when appearing before the court and when engaged outside it whether in discovery or any other phase of a case.

[Effective July 1, 1997.]